

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN G. PEDICINI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Case No. 04-12395-JLT
UNITED STATES OF AMERICA, et al.,	:	
	:	
Defendants.	:	
	:	

JOINT LIST OF DISPUTED EXHIBITS¹

The parties hereby submit the following joint list of disputed exhibits pursuant to the Court's pretrial order, dated July 12, 2007:

Plaintiff's Exhibits (Disputed by Defendants):

5. E-Mail chain from Jonathan Lash to Marty Hines, dated 12/15/2004 to 12/16/2004 (P-1376).
6. Funds Officer Listing, dated 12/17/2005 (P-1216).
15. Incorrect certification by Douglas MacAllister, dated 3/2/2005 (P-3362).
16. Incorrect certification by Michael Malone, signed by M. Hines, dated 6/7/2004 (P-3371).
18. Deposition title pages of Frances Zorn and Robert Canavan, used for purposes of establishing date and time of depositions on 2/11/2003 (P-550 & P-216).
19. Chronology of IAS Notes from Douglas MacAllister, dated 3/10/2003 (US0485).

¹ For purposes of compiling this document and in the spirit of cooperation, the parties have used the original exhibit descriptions identified by Plaintiff's and Defendants' respective Disclosures.

20. E-mail from Joseph Stanco to Lisa Wilusz regarding IAS Rollout, dated 2/19/2003 (P-1159 to P-1160).
21. E-mail from John G. Pedicini to Joseph Stanco regarding IAS Rollout, dated 2/27/2003 (P-1158).
22. E-mail chain from Joseph Stanco to Brenda Komloske, dated 2/27/2003 (P-1162 to P-1165).
23. E-mail from Joseph Stanco to John G. Pedicini regarding IAS Duties, dated 3/4/2003 (P-529).
24. E-mail chain from John G. Pedicini to Jonathan Lash, dated 3/4/2003 (P-530 to P-532).
25. E-mail from John G. Pedicini to John Ghiorzi regarding settlement agreement, dated 3/4/2003 (P-1177).
26. E-mail from John G. Pedicini to John Ghiorzi regarding reduction in duties and Settlement Agreement, dated 3/10/2003 (P-1626).
27. E-mail chain from John Ghiorzi to John G. Pedicini, dated 3/7/2003 (P-1181 and P-1645 to P-1646); E-mail chain from John G. Pedicini to John Ghiorzi, dated 3/10/2003 (P-523 to P-524).
28. E-mail chain from Jean Parker to John G. Pedicini regarding Non-compliance Complaint, dated 5/19/2003 (P-1898 to P-1899).
29. Formal EEO Complaint of Discrimination by John G. Pedicini, FSA Case # MA-03-001E, dated 4/7/2003 (P-1894 to P-1895); Formal Complaint of Discrimination by John G. Pedicini, FSA Case # MA-03-001E, dated 3/25/2003 (P-288 to P-289).
32. Affidavit of Douglas MacAllister for EEO Investigator Report for ROI, dated 9/8/2003 (P-477 to P-481).
33. E-mail from Michael Malone to FM Unit, regarding new location, dated 3/2/2003 (P-3383).
34. USDA Final Determination of an Allegation of Non-Compliance, dated 5/19/2003 (P-1282 to P-1287).

35. E-mail from John G. Pedicini to Douglas MacAllister and Michael Malone regarding Policy on rights of Certification of Funds Availability, dated 6/3/2004 (P-1393 to P-1394).
36. E-mail from Michael Malone to Douglas MacAllister regarding certifying issues, dated 6/7/2004 (P-1487).
38. Letter from John G. Pedicini to Vernon B. Parker, Assistant Secretary of Civil Rights, regarding continued noncompliance, dated 6/10/2004 (P-2188 to P-2193, P-1356).
40. Formal Complaint of Discrimination by John G. Pedicini, FSA Case # MA-04-005E, mailed 7/15/2004; Designation of John G. Pedicini as EEO Representative by Kathy Tankersley (P-1371).
41. E-mail from Michael Malone to Douglas MacAllister, regarding input on succession planning, dated 8/6/2004 (US0460).
44. E-mail chain from John G. Pedicini to Roberto Salazar regarding telephone call from Salazar and EEO activity under Frances Zorn, dated 10/14/2004 to 10/18/2004 (P-1331 to P-1332).
48. Memorandum from Michael Malone to John G. Pedicini regarding inappropriate use of job title, dated 10/22/2004 (P-1327).
49. E-mail from John G. Pedicini to Michael Malone regarding use of title, "Alternate Funds Officer" memo to Robert Canavan, dated 10/25/2004 (P-1789).
50. Memorandum from Michael Malone to Martin Hines regarding Leave-Without-Pay Analysis, dated 10/22/2004 (P-1879).
51. Formal Complaint of Discrimination by John G. Pedicini, FSA Case # MA-05-001E, dated 11/15/2004 (P-2185 to P-2186).
53. E-mail from Michael Malone to Mary Ellen Cajka, Linda App, and Rich Platt regarding names for local System Administrator –E-travel, dated 2/10/2005 (P-2972).
54. E-mail from Lisha Dorman to John G. Pedicini et al., regarding Employee Roster File, dated 2/1/2005 (P-3306 to P-3309).

55. E-mail from Lisha Dorman to John G. Pedicini et al., regarding E-travel, dated 2/2/2005 (P-3310).
57. E-mail from John G. Pedicini to Lisha Dorman, with attachment, regarding Approval Chains for NERO, dated 2/10/2005 (P-3410 to P-3414).
58. E-mail chain from Michael Malone to John G. Pedicini regarding Delegation of Authority in E-travel, dated 3/15/2005 (P-2973 to P-2974).
59. E-mail chain from John G. Pedicini to Douglas MacAllister regarding Official Title of Approvers, dated 2/9/2005 (P-3381 to P-3382).
60. Affidavit of Lisha Dorman, dated 11/2/2005 (P-2260 to P-2263).²
61. Affidavit of Larry Blim, dated 11/2/2005 (P-3148 to P-3151).
63. E-mail from John G. Pedicini to John Ghiorzi regarding shared neutral position, dated 1/28/2003 (P-1136).
65. Affidavit of Douglas MacAllister, dated 1/11/2005 (US0206 to US0207).
67. USDA OIG-NERO Audit Report: FNS Security Over Information Technology Resources, Report No. 27099-18-Hy, September 2001 (P-2268 to P-2314).
68. FNS Handbook 702, FNS INFORMATION SYSTEMS SECURITY STANDARDS AND PROCEDURES HANDBOOK, June 2002 (P-2389 to P-2869).
70. Individual Development Plain for John G. Pedicini , 6/1/2004 to 11/30/2004 (P-2256 to P-2257).
71. Memorandum from Jeff Knishkoway regarding September 2000 Mediation Training Seminar, dated 5/25/2000 (P-2007 to P-2008).
72. Formal Complaint of Discrimination by John G. Pedicini, dated 11/17/2000 (P-2002 to P-2006).

² In the event that the Court grants Defendants' motion in limine to exclude Lisha Dorman from testifying at trial, this document should be excluded from submission into evidence at trial.

73. Civil Action Complain in U.S. District Court, CA #01-11564DPW, by John G. Pedicini (P-1114 to P-1127).

Defendants' Exhibits (Disputed by Plaintiff):

1. Position Description of John Pedicini, Financial Management Specialist (US0176-US0184).
2. Position Description of Martin Hines, Budget Analyst (US0164-US0167).
3. Memorandum from USDA to Regional Administrators, dated February 22, 1982 (Bates-Stamped Numbers forthcoming).
4. Delegation of Authority Memoranda (Only Document Bates-Stamped US0015 is disputed).
7. Stipulation of Dismissal Without Costs of Pedicini and USDA, dated June 25, 2002 (US001).
9. Performance Appraisal for John Pedicini, dated 2/16/2007 (Bates-Stamp Number forthcoming).
10. FNS Integrated Program Accounting System Report on User Access, dated 7/19/2007 (Bates-Stamp Number forthcoming).
11. Financial Management Northeast Region Org. Chart for period 9/2002-8/2003 (US0056).
12. Financial Management Official Org. Chart, dated 12/1/2004 (Bastes-Stamp Number forthcoming).
13. Financial Management Org. Chart for period 2/2006-5/2007 (Bates-Stamp Number forthcoming).
16. Cash Award, Pay Adjustment, and Within Grade Increase Notification, dated from 5/4/2002 to 8/2/2004 (US208, US0210-US0216, US0220, US0305, US0311).
17. FNS-NERO FY05 & FY06 Cash Awards issued to John Pedicini (Bates-Stamp Numbers forthcoming).

20. SERO Financial Management Organization Chart, dated June 2006 (Bates-Stamp Number forthcoming).
21. Learning History Record of John Pedicini (Bates-Stamp Number forthcoming).
22. Memo to Michael Todd, Funds Officer at FNS Mountain Plains Region, regarding Formal Delegation of Authority (Bates-Stamp Number forthcoming).
23. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Donald E. Arnette (Bates-Stamp Number forthcoming).
24. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Retha F. Oliver (Bates-Stamp Number forthcoming).
25. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region Sara S. Harding (Bates-Stamp Number forthcoming).
26. Delegation of Authority With Respect to Availability of Administrative Funds Form, Regional Administrator of FNS Southeast Region J. Lewis Wright (Bates-Stamp Number forthcoming).
28. NERO Vacancy Announcements, posted 7/16/2003 & 11/03/2003 (P-2089-P-2093, P-2083-P2088).

Respectfully submitted,

FOR THE DEFENDANTS

FOR THE PLAINTIFF

MICHAEL J. SULLIVAN
United States Attorney

/s/ Gina Walcott-Torres
Gina Walcott-Torres
Assistant United States Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3369

/s/ John G. Pedicini
John G. Pedicini
10 Milano Drive
Saugus, MA 01960
(781) 233-5274